

So Ordered.

Dated: May 17th, 2018



Frederick P. Corbit
Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

Kennewick Public Hospital District,
Debtor.

Case No. 17-02025-9

ORDER APPROVING A
SETTLEMENT AND PLAN
SUPPORT AGREEMENT WITH
GROUP ONE EQUIPMENT
LESSORS

Upon the motion (the "Motion")¹ of Kennewick Public Hospital District, a Washington public hospital district (d/b/a Trios Health) (the "District" or the "Debtor") (ECF No. 827) and the debtor in the above-captioned case (the "Chapter 9 Case"), for entry of an order, pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code") and rule

¹ Capitalized terms used but not otherwise defined herein shall have the meanings as ascribed in the Motion.

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EQUIPMENT LESSORS - 1

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1 9019 of the Federal Rules of Bankruptcy Procedure (as amended, the “Bankruptcy
2 Rules”), approving the Agreement (as defined below) entered into by and between
3 Philips Medical Capital LLC, Key Government Finance, Inc., EverBank
4 Commercial Finance, Inc., and Hitachi Capital America Corp. (collectively, the
5 “Group One Equipment Lessors”) and the District (together with the Group One
6 Equipment Lessors, the “Parties”); and it appearing that this Court has jurisdiction
7 over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this
8 proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing
9 that venue of this proceeding and the Motion in this Court is proper pursuant to 28
10 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been
11 provided; and such notice having been adequate and appropriate under the
12 circumstances, and it appearing that no other or further notice need be provided; and
13 the Court having reviewed the Motion and having heard statements in support of the
14 Motion at a hearing held before the Court (the “Hearing”); and the Court having
15 determined that the District was authorized, but not required, to seek approval of the
16 settlement set forth in the Agreement (as defined below) pursuant to Bankruptcy
17 Rule 9019; and the Court having determined that the legal and factual bases set forth
18 in the Motion and at the Hearing establish just cause for the relief granted in this
19 Order; and it is and it appearing, and the Court having found, that the Agreement
20 was negotiated at arm’s length and in good faith by the Parties and that the
21 Agreement is fair, equitable, and reasonable; and it is and it appearing, and the Court
22 having found, that the relief requested in the Motion is necessary and appropriate

1 and is in the best interests of the District, its creditors, and other parties in interest;
2 and any objections to the relief requested in the Motion having been withdrawn or
3 overruled on the merits; and after due deliberation and sufficient cause appearing
4 therefor, it is hereby **ORDERED** that:

5 1. The Motion (ECF No. 827) is GRANTED.

6 2. The settlement and plan support agreement in the form attached to the
7 Motion as Exhibit B (the “Agreement”) is approved in its entirety and all of its terms
8 are incorporated herein by reference as if fully set forth herein, and the failure to
9 specifically describe or include in this Order any particular provision of the
10 Agreement shall not diminish or impair the effectiveness of any such provision.

11 3. In entering into the Agreement, the Parties have acted in a commercially
12 reasonable manner and exercised their rights and powers, and used the same degree
13 of care and skill in their exercise, as a prudent person would exercise or use under
14 the circumstances, and such settlement is hereby approved.

15 4. This Order (including the Agreement incorporated herein) is and shall
16 be binding on all parties in interest in this Chapter 9 Case.

17 5. The terms and conditions of this Order shall be immediately effective
18 and enforceable upon its entry.

19 6. The District is authorized and empowered to take all actions necessary
20 to effectuate the relief granted pursuant to this Order in accordance with the Motion.
21
22

7. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement, or interpretation of this Order.

///END OF ORDER///

PRESENTED BY:

FOSTER PEPPER PLLC

By: /s/ Jack Cullen
 Jack Cullen, WSBA #7330
 Andy Morton, WSBA #49467
 Ella Vincent, WSBA #51351
 Adrienne McKelvey, WSBA #50990
*Attorneys for Plaintiff Kennewick Public
 Hospital District*